

Title 33

Courts and Court Officers

TITLE 33. COURTS AND COURT OFFICERS

IC 33-13

ARTICLE 13. JUDGES

IC 33-13-14

Chapter 14. Judicial Conference of Indiana

IC 33-13-14-7

Sec. 7. The Indiana judicial center shall administer the alcohol and drug services program under IC 12-23-14 and the certification of drug courts under IC 12-23-14.5.

As added by P.L.122-1997, SEC.6. Amended by P.L.168-2002, SEC.9.

IC 33-19

ARTICLE 19. COURT FEES

IC 33-19-3-1

Sec. 1. (a) The fees prescribed in civil actions (or paternity actions) may not be collected from the state or a political subdivision in an action brought by or on behalf of the state or any political subdivision.

(b) This section does not prevent the collecting of fees from a defendant when the state or political subdivision is successful in its action.

As added by P.L.305-1987, SEC.1. Amended by P.L.355-1989(ss), SEC.12.

IC 33-19-5

Chapter 5. Collection of Court Costs Fees

IC 33-19-5-1

Sec. 1. (a) For each action that results in a felony conviction under IC 35-50-2 or a misdemeanor conviction under IC 35-50-3, the clerk shall collect from the defendant a criminal costs fee of one hundred twenty dollars (\$120).

(b) In addition to the criminal costs fee collected under this section, the clerk shall collect from the defendant the following fees if they are required under IC 33-19-6:

- (1) A document fee.
- (2) A marijuana eradication program fee.
- (3) An alcohol and drug services program user fee.
- (4) A law enforcement continuing education program fee.
- (5) A drug abuse, prosecution, interdiction, and correction fee.
- (6) An alcohol and drug countermeasures fee.
- (7) A child abuse prevention fee.
- (8) A domestic violence prevention and treatment fee.
- (9) A highway work zone fee.
- (10) A deferred prosecution fee (IC 33-19-6-16.2).
- (11) A document storage fee (IC 33-19-6-18.1).
- (12) An automated record keeping fee (IC 33-19-6-19).
- (13) A late payment fee (IC 33-19-6-20).
- (14) A sexual assault victims assistance fee (IC 33-19-6-21).

(c) Instead of the criminal costs fee prescribed by this section, the clerk shall collect a pretrial diversion program fee if an agreement between the prosecuting attorney and the accused person entered into under IC 33-14-1-7 requires payment of those fees by the accused person. The pretrial diversion program fee is:

- (1) an initial user's fee of fifty dollars (\$50); and
- (2) a monthly user's fee of ten dollars (\$10) for each month that the person remains in the pretrial diversion program.

(d) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees, within

thirty (30) days after they are collected, for deposit by the auditor or fiscal officer in the appropriate user fee fund established under IC 33-19-8:

- (1) The pretrial diversion fee.
- (2) The marijuana eradication program fee.
- (3) The alcohol and drug services program user fee.
- (4) The law enforcement continuing education program fee.
- (e) Unless otherwise directed by a court, if a clerk collects only part of a criminal costs fee from a defendant under this section, the clerk shall distribute the partial payment of the criminal costs fee as follows:
 - (1) First, the clerk shall apply the partial payment to general court costs.
 - (2) Second, if there is money remaining after the partial payment is applied to general court costs under subdivision (1), the clerk shall distribute the partial payment for deposit in the appropriate county user fee fund.
 - (3) Third, if there is money remaining after distribution under subdivision (2), the clerk shall distribute the partial payment for deposit in the state user fee fund.
 - (4) Fourth, if there is money remaining after distribution under subdivision (3), the clerk shall distribute the partial payment to any other applicable user fee fund.
 - (5) Fifth, if there is money remaining after distribution under subdivision (4), the clerk shall apply the partial payment to any outstanding fines owed by the defendant.

As added by P.L.305-1987, SEC.1. Amended by P.L.40-1988, SEC.3; P.L.51-1989, SEC.5; P.L.126-1989, SEC.17; P.L.284-1989, SEC.6; P.L.30-1991, SEC.10; P.L.64-1992, SEC.3; P.L.279-1995, SEC.8; P.L.280-1995, SEC.8; P.L.209-1996, SEC.8; P.L.216-1996, SEC.3; P.L.2-1997, SEC.71; P.L.183-2001, SEC.4; P.L.280-2001, SEC.18; P.L.1-2002, SEC.133.

IC 33-19-5-2

Sec. 2. (a) Except as provided in subsections (d) and (e), for each action that results in a judgment:

- (1) for a violation constituting an infraction; or
 - (2) for a violation of an ordinance of a municipal corporation (as defined in IC 36-1-2-10);
- the clerk shall collect from the defendant an infraction or ordinance violation costs fee of seventy dollars (\$70).
- (b) In addition to the infraction or ordinance violation costs fee collected under this section, the clerk shall collect from the defendant the following fees if they are required under IC 33-19-6:
 - (1) A document fee (IC 33-19-6-1, IC 33-19-6-2, IC 33-19-6-3).
 - (2) An alcohol and drug services program user fee (IC 33-19-6-7(b)).
 - (3) A law enforcement continuing education program fee (IC 33-19-6-7(c)).
 - (4) An alcohol and drug countermeasures fee (IC 33-19-6-10).
 - (5) A highway work zone fee (IC 33-19-6-14).
 - (6) A deferred prosecution fee (IC 33-19-6-16.2).
 - (7) A jury fee (IC 33-19-6-17).
 - (8) A document storage fee (IC 33-19-6-18.1).
 - (9) An automated record keeping fee (IC 33-19-6-19).
 - (10) A late payment fee (IC 33-19-6-20).
 - (c) The clerk shall transfer to the county auditor or fiscal officer of the municipal corporation the following fees, within thirty (30) days after they are collected, for deposit by the auditor or fiscal officer in the user fee fund established under IC 33-19-8:
 - (1) The alcohol and drug services program user fee.
 - (2) The law enforcement continuing education program fee.
 - (3) The deferral program fee.
 - (d) The defendant is not liable for any ordinance violation costs fee in an action in which:
 - (1) the defendant was charged with an ordinance violation subject to IC 33-6-3;
 - (2) the defendant denied the violation under IC 33-6-3-2;
 - (3) proceedings in court against the defendant were initiated under IC 34-28-5 (or IC 34-4-32 before its repeal); and
 - (4) the defendant was tried and the court entered judgment for the defendant for the violation.
 - (e) Instead of the infraction or ordinance violation costs fee prescribed by subsection (a), the clerk shall collect a deferral program fee if an agreement between a prosecuting attorney or an attorney for a municipal

corporation and the person charged with a violation entered into under IC 34-28-5-1 (or IC 34-4-32-1 before its repeal) requires payment of those fees by the person charged with the violation. The deferral program fee is:

- (1) an initial user's fee not to exceed fifty-two dollars (\$52); and
- (2) a monthly user's fee not to exceed ten dollars (\$10) for each month the person remains in the deferral program.

As added by P.L.305-1987, SEC.1. Amended by P.L.177-1988, SEC.6; P.L.106-1988, SEC.3; P.L.40-1988, SEC.4; P.L.288-1989, SEC.1; P.L.126-1989, SEC.18; P.L.1-1990, SEC.325; P.L.64-1992, SEC.4; P.L.133-1992, SEC.61; P.L.279-1995, SEC.10; P.L.280-1995, SEC.9; P.L.60-1995, SEC.3; P.L.209-1996, SEC.9; P.L.204-1997, SEC.2; P.L.1-1998, SEC.191; P.L.1-2001, SEC.35; P.L.280-2001, SEC.19; P.L.1-2002, SEC.134.

IC 33-19-5-3

Sec. 3. (a) For each action filed under:

- (1) IC 31-34 or IC 31-37 (delinquent children and children in need of services); or
- (2) IC 31-14 (paternity);

the clerk shall collect a juvenile costs fee of one hundred twenty dollars (\$120).

(b) In addition to the juvenile costs fee collected under this section, the clerk shall collect the following fees if they are required under IC 33-19-6:

- (1) A document fee.
- (2) A marijuana eradication program fee.
- (3) An alcohol and drug services program user fee.
- (4) A law enforcement continuing education program fee.
- (5) An alcohol and drug countermeasures fee.
- (6) A document storage fee (IC 33-19-6-18.1).
- (7) An automated record keeping fee (IC 33-19-6-19).
- (8) A late payment fee (IC 33-19-6-20).

(c) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees, within thirty (30) days after they are collected, for deposit by the auditor or fiscal officer in the appropriate user fee fund established under IC 33-19-8:

- (1) The marijuana eradication program fee.
- (2) The alcohol and drug services program user fee.
- (3) The law enforcement continuing education program fee.

As added by P.L.305-1987, SEC.1. Amended by P.L.40-1988, SEC.5; P.L.126-1989, SEC.19; P.L.279-1995, SEC.10; P.L.280-1995, SEC.10; P.L.1-1997, SEC.133; P.L.183-2001, SEC.6; P.L.280-2001, SEC.20; P.L.1-2002, SEC.135.

IC 33-19-5-5 Version b

Small claims cost fee and service fee

Note: This version of section effective 7-1-2005. See also preceding version of this section, effective until 7-1-2005.

Sec. 5. (a) For each small claims action the clerk shall collect from the party filing the action a:

- (1) small claims costs fee of thirty-five dollars (\$35); and
- (2) small claims service fee of five dollars (\$5) for each defendant named or added in the small claims action.

However, a clerk may not collect a small claims costs fee or small claims service fee for a small claims action filed by or on behalf of the attorney general.

(b) In addition to a small claims costs fee and small claims service fee collected under this section, the clerk shall collect the following fees if they are required under IC 33-19-6:

- (1) A document fee.
- (2) A document storage fee (IC 33-19-6-18.1).
- (3) An automated record keeping fee (IC 33-19-6-19).

As added by P.L.305-1987, SEC.1. Amended by P.L.334-1989(ss), SEC.38; P.L.12-1992, SEC.140; P.L.280-1995, SEC.12; P.L.205-1997, SEC.1; P.L.183-2001, SEC.8; P.L.1-2002, SEC.137; P.L.164-2002, SEC.1; P.L.167-2003, SEC.7

IC 33-19-6

Chapter 6. Collection of Additional Fees

IC 33-19-6-6

Sec. 6. (a) This section applies to criminal actions.

(b) The clerk shall collect the marijuana eradication program fee set by the court under IC 15-3-4.6-4.1 if:

(1) a weed control board has been established in the county under IC 15-3-4.6-1; and

(2) the person has been convicted of an offense under IC 35-48-4 in a case prosecuted in that county.

(c) The court may set a fee under this section of not more than three hundred dollars (\$300).

As added by P.L.305-1987, SEC.1.

IC 33-19-6-7

Sec. 7. (a) This section applies to criminal, infraction, and ordinance violation actions. However, it does not apply to a case excluded under IC 33-19-5-2(d).

(b) The clerk shall collect the alcohol and drug services program fee set by the court under IC 12-23-14-16 in a county that has established

an alcohol and drug services program.

(c) In each action in which a defendant is found to have:

(1) committed a crime;

(2) violated a statute defining an infraction; or

(3) violated an ordinance of a municipal corporation;

the clerk shall collect a law enforcement continuing education program fee of three dollars (\$3).

As added by P.L.305-1987, SEC.1. Amended by P.L.177-1988, SEC.7; P.L.2-1992, SEC.854.

IC 33-19-6-9

Sec. 9. (a) This section applies to criminal actions.

(b) The court shall assess a drug abuse, prosecution, interdiction, and correction fee of at least two hundred dollars (\$200) and not more than one thousand dollars (\$1,000) against a person convicted of an offense under IC 35-48-4.

(c) In determining the amount of the drug abuse, prosecution, interdiction, and correction fee assessed against a person under subsection (b), a court shall consider the person's ability to pay the fee.

(d) The clerk shall collect the drug abuse, prosecution, interdiction, and correction fee set by the court when a person is convicted of an offense under IC 35-48-4.

As added by P.L.51-1989, SEC.6. Amended by P.L.12-1990, SEC.5.

IC 33-19-6-10

Sec. 10. (a) In each action in which a person is found to have:

(1) committed an offense under IC 9-30-5;

(2) violated a statute defining an infraction under IC 9-30-5; or

(3) been adjudicated a delinquent for an act that would be an offense under IC 9-30-5, if committed by an adult;

and the person's driving privileges are suspended by the court or the bureau of motor vehicles as a result of the finding, the clerk shall collect an alcohol and drug countermeasures fee of two hundred dollars (\$200).

(b) In each action in which a person is charged with an offense under IC 9-30-5 and, by a plea agreement or agreement of the parties that is approved by the court:

(1) judgment is entered for an offense under:

(A) IC 9-21-8-50;

(B) IC 9-21-8-52;

(C) IC 7.1-5-1-3; or

(D) IC 7.1-5-1-6; and

(2) the defendant agrees to pay the alcohol and drug counter measures fee;

the clerk shall collect an alcohol and drug countermeasures fee of two hundred dollars (\$200).

As added by P.L.126-1989, SEC.20. Amended by P.L.12-1990, SEC.6; P.L.2-1991, SEC.93; P.L.85-1998, SEC.2; P.L.213-2001, SEC.4; P.L.1-2002, SEC.139

IC 33-19-6-11

Sec. 11. (a) This section applies to an action in a circuit court in a county that has established a program under IC 9-30-9.

(b) The probation department shall collect an alcohol abuse deterrent program fee and a medical fee set by the court under IC 9-30-9-8 and deposit it into the supplemental adult probation services fund.

As added by P.L.126-1989, SEC.21. Amended by P.L.2-1991, SEC.94; P.L.216-1996, SEC.4.

IC 33-19-7

Chapter 7. Distribution of Court Fees

IC 33-19-7-1 Version b

Fees collected by clerk of circuit court; distribution

Note: This version of section effective 7-1-2005. See also preceding version of this section, effective until 7-1-2005.

Sec. 1. (a) The clerk of a circuit court shall semiannually distribute to the auditor of state as the state share for deposit in the state general fund seventy percent (70%) of the amount of fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-3(a) (juvenile costs fees).
- (4) IC 33-19-5-4(a) (civil costs fees).
- (5) IC 33-19-5-5(a)(1) (small claims costs fees).
- (6) IC 33-19-5-6(a) (probate costs fees).
- (7) IC 33-19-6-16.2 (deferred prosecution fees).

(b) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state user fee fund established under IC 33-19-9-2 the following:

- (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-19-5-1(b)(5).
- (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).
- (3) Fifty percent (50%) of the child abuse prevention fees collected under IC 33-19-5-1(b)(7).
- (4) One hundred percent (100%) of the domestic violence prevention and treatment fees collected under IC 33-19-5-1(b)(8).
- (5) One hundred percent (100%) of the highway work zone fees collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).
- (6) One hundred percent (100%) of the safe schools fee collected under IC 33-19-6-16.3.
- (7) One hundred percent (100%) of the automated record keeping fee (IC 33-19-6-19).

(c) The clerk of a circuit court shall monthly distribute to the county auditor the following:

- (1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-19-5-1(b)(5).
- (2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(d) The clerk of a circuit court shall monthly distribute to the county auditor fifty percent (50%) of the child abuse prevention fees collected under IC 33-19-5-1(b)(8). The county auditor shall deposit fees distributed by a clerk under this subsection into the county child advocacy fund established under IC 12-17-17.

(e) The clerk of a circuit court shall monthly distribute to the county auditor one hundred percent (100%) of the late payment fees

collected under IC 33-19-6-20. The county auditor shall deposit fees distributed by a clerk under this subsection as follows:

- (1) If directed to do so by an ordinance adopted by the county fiscal body, the county auditor shall deposit forty percent (40%) of the fees in the clerk's record perpetuation fund established under IC 33-19-6-1.5 and sixty percent (60%) of the fees in the county general fund.
- (2) If the county fiscal body has not adopted an ordinance under subdivision (1), the county auditor shall deposit all the fees in the county general fund.

(f) The clerk of the circuit court shall semiannually distribute to the auditor of state for deposit in the sexual assault victims assistance fund established under IC 16-19-13-6 one hundred percent (100%) of the sexual assault victims assistance fees collected under IC 33-19-6-21.

(g) The clerk of a circuit court shall monthly distribute to the county auditor the following:

- (1) One hundred percent (100%) of the support and maintenance fees for cases designated as non-Title IV-D child support cases in the Indiana support enforcement tracking system (ISETS) collected under IC 33-

19-6-5.

(2) The percentage share of the support and maintenance fees for cases designated as IV-D child support cases in ISETS collected under IC 33-19-6-5 that is reimbursable to the county at the federal financial participation rate.

The county clerk shall monthly distribute to the office of the secretary of family and social services the percentage share of the support and maintenance fees for cases designated as Title IV-D child support cases in ISETS collected under IC 33-19-6-5 that is not reimbursable to the county at the applicable federal financial participation rate.

(h) The clerk of a circuit court shall monthly distribute to the county auditor one hundred percent (100%) of the small claims service fee under IC 33-19-5-5(a)(2) for deposit in the county general fund.

As added by P.L.305-1987, SEC.1. Amended by P.L.51-1989, SEC.7; P.L.126-1989, SEC.22; P.L.12-1990, SEC.7; P.L.30-1991, SEC.13; P.L.64-1992, SEC.6; P.L.1-1993, SEC.233; P.L.50-1993, SEC.5; P.L.4-1994, SEC.18; P.L.279-1995, SEC.14; P.L.61-1995, SEC.7; P.L.280-1995, SEC.16; P.L.216-1996, SEC.5; P.L.117-1996, SEC.3; P.L.209-1996, SEC.13; P.L.183-2001, SEC.13; P.L.280-2001, SEC.25; P.L.1-2002, SEC.140; P.L.39-2002, SEC.5; P.L.167-2003, SEC.8.

IC 33-19-7-2 Version a

Fees collected by clerk of circuit court; county share

Note: This version of section effective until 7-1-2005. See also following version of this section, effective 7-1-2005.

Sec. 2. The clerk of a circuit court shall forward the county share of fees collected to the county auditor in accordance with

IC 33-19-1-3(a). The auditor shall retain as the county share twenty-seven percent (27%) of the amount of fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-3(a) (juvenile costs fees).
- (4) IC 33-19-5-4(a) (civil costs fees).
- (5) IC 33-19-5-5(a) (small claims costs fees).
- (6) IC 33-19-5-6(a) (probate costs fees).
- (7) IC 33-19-6-16.2 (deferred prosecution fees).

As added by P.L.305-1987, SEC.1. Amended by P.L.279-1995, SEC.15; P.L.280-1995, SEC.17; P.L.209-1996, SEC.14.

IC 33-19-7-2 Version b

Fees collected by clerk of circuit court; county share

Note: This version of section effective 7-1-2005. See also preceding version of this section, effective until 7-1-2005.

Sec. 2. The clerk of a circuit court shall forward the county share of fees collected to the county auditor in accordance with IC 33-19-1-3(a). The auditor shall retain as the county share twenty-seven percent (27%) of the amount of fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-3(a) (juvenile costs fees).
- (4) IC 33-19-5-4(a) (civil costs fees).
- (5) IC 33-19-5-5(a)(1) (small claims costs fees).
- (6) IC 33-19-5-6(a) (probate costs fees).
- (7) IC 33-19-6-16.2 (deferred prosecution fees).

As added by P.L.305-1987, SEC.1. Amended by P.L.279-1995, SEC.15; P.L.280-1995, SEC.17; P.L.209-1996, SEC.14; P.L.167-2003, SEC.9.

IC 33-19-7-3 Version b

Fees collected by clerk of circuit court; city or town share

Note: This version of section effective 7-1-2005. See also preceding version of this section, effective until 7-1-2005.

Sec. 3. (a) The qualified municipality share to be distributed to each city and town maintaining a law enforcement agency that prosecutes at least fifty percent (50%) of its ordinance violations in a circuit,

superior, or county court located in the county is three percent (3%) of the amount of fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-3(a) (juvenile costs fees).
- (4) IC 33-19-5-4(a) (civil costs fees).
- (5) IC 33-19-5-5(a)(1) (small claims costs fees).
- (6) IC 33-19-5-6(a) (probate costs fees).
- (7) IC 33-19-6-16.2 (deferred prosecution fees).

(b) The county auditor shall determine the amount to be distributed to each city and town qualified under subsection (a) as follows:

STEP ONE: Determine the population of the qualified city or town.

STEP TWO: Add the populations of all qualified cities and towns determined under STEP ONE.

STEP THREE: Divide the population of each qualified city and town by the sum determined under STEP TWO.

STEP FOUR: Multiply the result determined under STEP THREE for each qualified city and town by the amount of the qualified municipality share.

(c) The county auditor shall semiannually distribute to each city and town described in subsection (a) the amount computed for that city or town under STEP FOUR of subsection (b).

As added by P.L.305-1987, SEC.1. Amended by P.L.279-1995, SEC.16; P.L.280-1995, SEC.18; P.L.209-1996, SEC.15; P.L.98-2000, SEC.11; P.L.167-2003, SEC.10.

IC 33-19-7-4 Version b

Fees collected by court clerk and fiscal officer of city or town

Note: This version of section effective 7-1-2005. See also preceding version of this section, effective until 7-1-2005.

Sec. 4. (a) The clerk of a city or town court shall semiannually distribute to the auditor of state as the state share for deposit in the state general fund fifty-five percent (55%) of the amount of fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-4(a) (civil costs fees).
- (4) IC 33-19-5-5(a)(1) (small claims costs fees).
- (5) IC 33-19-6-16.2 (deferred prosecution fees).

(b) Once each month the city or town fiscal officer shall distribute to the county auditor as the county share twenty percent (20%) of the amount of fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-4(a) (civil costs fees).
- (4) IC 33-19-5-5(a)(1) (small claims costs fees).
- (5) IC 33-19-6-16.2 (deferred prosecution fees).

(c) The city or town fiscal officer shall retain twenty-five percent (25%) as the city or town share of the fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-4(a) (civil costs fees).
- (4) IC 33-19-5-5(a)(1) (small claims costs fees).
- (5) IC 33-19-6-16.2 (deferred prosecution fees).

(d) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state user fee fund established under IC 33-19-9 the following:

- (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-19-5-1(b)(5).
- (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).
- (3) One hundred percent (100%) of the highway work zone fees collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).

- (4) One hundred percent (100%) of the safe schools fee collected under IC 33-19-6-16.3.
- (5) One hundred percent (100%) of the automated record keeping fee (IC 33-19-6-19).
- (e) The clerk of a city or town court shall monthly distribute to the county auditor the following:
 - (1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-19-5-1(b)(5).
 - (2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

- (f) The clerk of a city or town court shall distribute monthly to the city or town fiscal officer (as defined in IC 36-1-2-7) one hundred percent (100%) of the late payment fees collected under IC 33-19-6-20. The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit fees distributed by a clerk under this subsection in the city or town general fund.

As added by P.L.305-1987, SEC.1. Amended by P.L.51-1989, SEC.8; P.L.126-1989, SEC.23; P.L.334-1989(ss), SEC.39; P.L.12-1990, SEC.8; P.L.64-1992, SEC.7; P.L.1-1993, SEC.234; P.L.50-1993, SEC.6; P.L.4-1994, SEC.19; P.L.279-1995, SEC.17; P.L.61-1995, SEC.8; P.L.280-1996, SEC.19; P.L.216-1996, SEC.6; P.L.209-1996, SEC.16; P.L.183-2001, SEC.15; P.L.280-2001, SEC.26; P.L.1-2002, SEC.141; P.L.167-2003, SEC.11.

IC 33-19-7-5

Sec. 5. (a) On June 30 and on December 31 of each year, the auditor of state shall transfer to the treasurer of state six million seven hundred four thousand two hundred fifty-seven dollars (\$6,704,257) for distribution under subsection (b).

(b) On June 30 and on December 31 of each year the treasurer of state shall deposit into:

- (1) the family violence and victim assistance fund established under IC 12-18-5-2 an amount equal to eleven and eight-hundredths percent (11.08%);
- (2) the Indiana judges' retirement fund established under IC 33-13-8 an amount equal to twenty-five and twenty-one hundredths percent (25.21%);
- (3) the law enforcement academy building fund established under IC 5-2-1-13 an amount equal to three and fifty-two hundredths percent (3.52%);
- (4) the law enforcement training fund established under IC 5-2-1-13 an amount equal to fourteen and nineteen-hundredths percent (14.19%);
- (5) the violent crime victims compensation fund established under IC 5-2-6.1-40 an amount equal to sixteen and fifty-hundredths percent (16.50%);
- (6) the motor vehicle highway account an amount equal to twenty-six and ninety-five hundredths percent (26.95%);
- (7) the fish and wildlife fund established by IC 14-22-3-2 an amount equal to thirty-two hundredths of one percent (0.32%); and
- (8) the Indiana judicial center drug and alcohol programs fund established under IC 12-23-14-17 for the administration, certification, and support of alcohol and drug services programs under IC 12-23-14 an amount equal to two and twenty-three hundredths percent (2.23%);

of the amount transferred by the auditor of state under subsection (a).

(c) On June 30 and on December 31 of each year the auditor of state shall transfer to the treasurer of state one million two hundred thousand dollars (\$1, 200,000) for deposit into the public defense fund established under IC 33-9-14.

As added by P.L.305-1987, SEC.1. Amended by P.L.28-1988, SEC.111; P.L.51-1989, SEC.9; P.L.126-1989, SEC.24; P.L.284-1989, SEC.7; P.L.2-1992, SEC.855; P.L.47-1993, SEC.12; P.L.1-1995, SEC.73; P.L.279-1995, SEC.18; P.L.280-1995, SEC.20; P.L.60-1995, SEC.4; P.L.209-1996, SEC.17; P.L.122-1997, SEC.7; P.L.202-1997, SEC.7.

IC 33-19-7-6

IC 33-19-7-6 Sec. 6. In a county having a judicial circuit in which either IC 31-12-1 or IC 31-12-2 applies, the county fiscal body shall

annually appropriate an amount necessary to carry out the administration and the purposes of the programs established under these chapters. Requests for funding under this section must be submitted under IC 36-2-5-4 or IC 36-3-6-4.

As added by P.L.305-1987, SEC.1. Amended by P.L.1-1997, SEC.135.

IC 33-19-8

Chapter 8. Local User Fee Funds

IC 33-19-8-3

Sec. 3. (a) A city or town user fee fund is established in each city or town having a city or town court for the purpose of supplementing the cost of various program services. The city or town fund shall be administered by the fiscal officer of the city or town.

(b) The city or town fund consists of the following fees collected by a clerk under this article:

- (1) The pretrial diversion program fee.
- (2) The alcohol and drug services fee.
- (3) The law enforcement continuing education program fee.
- (4) The deferral program fee.

As added by P.L.305-1987, SEC.1. Amended by P.L.288-1989, SEC.2.

IC 33-19-8-5

Sec. 5. (a) A county user fee fund is established in each county for the purpose of financing various program services. The county fund shall be administered by the county auditor.

(b) The county fund consists of the following fees collected by a clerk under this article, and by the probation department for the juvenile court under IC 31-34-8-8 or IC 31-37-9-9:

- (1) The pretrial diversion program fee.
- (2) The informal adjustment program fee.
- (3) The marijuana eradication program fee.
- (4) The alcohol and drug services program fee.
- (5) The law enforcement continuing education program fee.
- (6) The deferral program fee.
- (7) The jury fee.

(c) All of the jury fee and two dollars (\$2) of every deferral program fee collected under IC 33-19-5-2(e) shall be deposited by the county auditor in the jury pay fund under IC 33-19-10.

As added by P.L.305-1987, SEC.1. Amended by P.L.288-1989, SEC.3; P.L.126-1989, SEC.25; P.L.79-1994, SEC.11; P.L.216-1996, SEC.7; P.L.1-1997, SEC.136; P.L.204-1997, SEC.4; P.L.253-1997(ss), SEC.29.

IC 33-19-9

Chapter 9. State User Fee Fund

IC 33-19-9-4

Distribution of amounts transferred to the state fund

Sec. 4. (a) The treasurer of state shall semiannually distribute one million two hundred eighty-eight thousand dollars (\$1,288,000) of the amounts transferred to the state fund under section 3 of this chapter as follows:

- (1) Fourteen and ninety-eight hundredths percent (14.98%) shall be deposited into the alcohol and drug countermeasures fund established under IC 9-27-2-11.
- (2) Eight and forty-two hundredths percent (8.42%) shall be deposited into the drug interdiction fund established under IC 10-11-7.
- (3) Four and sixty-eight hundredths percent (4.68%) shall be deposited into the drug prosecution fund established under IC 33-14-8-5.
- (4) Five and sixty-two hundredths percent (5.62%) shall be deposited into the corrections drug abuse fund established under IC 11-8-2-11.
- (5) Twenty-two and forty-seven hundredths percent (22.47%) shall be deposited into the state drug free communities fund established by IC 5-2-10-2.
- (6) Seven and ninety-eight hundredths percent (7.98%) shall be distributed to the Indiana department of transportation for use under IC 8-23-2-15.
- (7) Twenty and thirty-two hundredths percent (20.32%) shall be deposited in the family violence and victim assistance fund established by IC 12-18-5-2.
- (8) Fifteen and fifty-three hundredths percent (15.53%) shall be

deposited in the Indiana safe schools fund established by IC 5-2-10.1.

(b) The treasurer of state shall semiannually distribute the amount remaining after the distributions in subsection (a) to the judicial technology and automation project fund established by IC 33-2.1-7-10.

As added by P.L.126-1989, SEC.26. Amended by P.L.12-1990, SEC.9; P.L.2-1991, SEC.95; P.L.50-1993, SEC.7; P.L.4-1994, SEC.20; P.L.61-1995, SEC.9; P.L.183-2001, SEC.15; P.L.2-2003, SEC.80.